

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

1

Court Minutes

October 15, 2007

At 9:31 a.m., the court met in the Library and Courts Building to begin its court calendar session. Present were Sims, Associate Justice; Nicholson, Associate Justice; Butz, Associate Justice; and Harper, bailiff.

C051473 THE PEOPLE v. HER et al.

Cause called. William L. Osterhoudt, court appointed counsel, argued for appellant Her; Mark Greenberg, court appointed counsel argued for appellant Lao; and Maggy Krell, Deputy Attorney General argued for respondent. Cause submitted.

At 10:23 a.m. the court recessed. At 10:29 a.m. the court reconvened with Davis, Associate Justice; Nicholson, Associate Justice; and Butz, Associate Justice.

**C049695 ENRIQUE HERNANDEZ et al. v. C. DEGROOT & SONS
C051254 ENRIQUE HERNANDEZ v. C. DEGROOT & SONS et al.**

Cause called. Gregory R. Silvin argued for appellant C. DeGroot and Sons; and Michael F. Babitzke argued for appellant Hernandez. Cause submitted.

**C051364 THE PEOPLE v. CHERRY
C051462**

Cause called. Jeffrey Fletcher argued for appellant; and Jennifer M. Poe, Deputy Attorney General, argued for respondent. Cause submitted.

At 11:26 a.m. the court recessed. At 2:02 p.m. the court reconvened with Davis, Associate Justice; Nicholson, Associate Justice; and Butz, Associate Justice.

C049902 ABOUI et al. v WATSON et al.

Cause called. James E. Houpt argued for appellants. Richard M. Ross appearing only for respondents. Cause submitted.

C052816 DAVID A. HIRSCH, as Trustee, etc., et al. v. JANSSEN et al.

Cause called. Robert D. Nelson argued for appellants; Lee Roy Peirce, Jr. argued for respondent Janssen; and Kathleen M. Abdallah argued for respondent Dondero. Cause submitted.

At 2:43 p.m. the court recessed. At 2:49 p.m. the court reconvened with Nicholson, Associate Justice; Hull, Associate Justice; and Cantil-Sakauye, Associate Justice.

3

At 9:44 a.m. the court recessed. At 9:47 a.m. the court reconvened with Blease, Associate Justice; Sims, Associate Justice; and Cantil-Sakauye, Associate Justice.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

4

Court Minutes

October 16, 2007, continued

C051111 THE PEOPLE v. WOODS et al.

Cause called. David McNeil Morse, court appointed counsel, argued for appellant Warner; Richard M. Doctoroff, court appointed counsel, argued for appellant Woods; and Alison Elle Aleman, Deputy Attorney General, argued for respondent. Cause submitted.

At 10:09 a.m. the court recessed. At 10:13 a.m. the court reconvened with Sims, Associate Justice; Hull, Associate Justice; and Butz, Associate Justice.

C051907 THE PEOPLE v CRUZ

Cause called. Richard M. Doctoroff, court appointed counsel, argued for appellant; and Alice Su, Deputy Attorney General, argued for respondent. Cause submitted.

At 10:30 a.m. the court recessed. At 2:00 p.m. the court reconvened with Sims, Associate Justice; Morrison, Associate Justice; and Cantil-Sakauye, Associate Justice.

**C055402 BOURQUEZ et al. v THE SUPERIOR COURT
OF SACRAMENTO COUNTY et al.**

Cause called. Robert J. Saria argued and Sarah N. Saria appeared only for appellants. Julie A. Hokans, Deputy Attorney General, argued for real party in interest. Cause submitted.

At 2:26 p.m. the court recessed until Wednesday, October 17, 2007, at 9:30 a.m.

C052422 THE PEOPLE v. MAYES

(Not for Publication)

The judgment is affirmed.
MORRISON, J.
We Concur: Davis, Acting P.J.
Hull, J.

**C052470 THE PEOPLE v. EVANS
(Opinion on Rehearing)**

(Not for Publication)

The judgment is affirmed.
RAYE, J.
We Concur: Blease, Acting P.J.
Davis, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

5

Court Minutes

October 16, 2007, continued

C053154 THE PEOPLE v. NELSON (Not for Publication)

The judgment is affirmed.

MORRISON, J.

We Concur: Davis, Acting P.J.

Hull, J.

C054085 THE PEOPLE v. DYMON (Not for Publication)

The judgment is affirmed.

NICHOLSON, Acting P.J.

We Concur: Hull, J.

Cantil-Sakauye, J.

C054226 THE PEOPLE v. BROWN (Not for Publication)

The judgment is affirmed.

ROBIE, J.

We Concur: Nicholson, Acting P.J.

Morrison, J.

C054950 THE PEOPLE v. McDANIEL (Not for Publication)

The trial court's judgment is affirmed.

NICHOLSON, J.

We Concur: Scotland, P.J.

Cantil-Sakauye, J.

October 17, 2007

At 9:35 a.m., the court met in the Library and Courts Building to begin its court calendar session. Present were Davis, Associate Justice; Raye, Associate Justice; Hull, Associate Justice; and Horner, bailiff.

C053199 HORANGIC v. EBARA TECHNOLOGIES INCORPORATED et al.

Cause called. Susan J. Sheridan argued for appellant; Michael W. Kelly argued and Angela N. O'Rourke appeared only for respondents. Cause submitted.

At 10:20 a.m. the court recessed, until 9:30 a.m., October 22, 2007.

C051782 THE PEOPLE v. EVANS (Not for Publication)

The judgment is affirmed.

NICHOLSON, Acting P.J.

We Concur: Morrison, J.

Cantil-Sakauye, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

6

Court Minutes

October 17, 2007, continued

C054069 THE PEOPLE v. JONES (Not for Publication)

The judgment is affirmed.

HULL, J.

We Concur: Morrison, Acting P.J.

Butz, J.

**C052704 THE POCKET PROTECTORS
v. THE CITY OF SACRAMENTO et al;
REGIS HOMES OF NORTHERN CALIFORNIA
BY THE COURT:**

The request of non-party Office of the City Attorney of San Francisco to publish the opinion filed on September 17, 2007, is denied.

SIMS, Acting P.J.

October 18, 2007

C050340 THE PEOPLE v. HANNEMAN (Not for Publication)

The judgment is affirmed.

CANTIL-SAKAUYE, J.

We Concur: Sims, Acting P.J.

Hull, J.

C051895 THE PEOPLE v. GARZA (Not for Publication)

The judgment is affirmed.

BUTZ, J.

We Concur: Blease, Acting P.J.

Davis, J.

C053085 THE PEOPLE v. VANG (Not for Publication)

The judgment is affirmed.

RAYE, J.

We Concur: Davis, Acting P.J.

Cantil-Sakauye, J.

C053494 THE PEOPLE v. DRAPER (Not for Publication)

The convictions for counts five and seven through twelve are vacated and the case remanded for resentencing. The court is directed to: (1) dispose of count three on motion by the prosecution to retry or dismiss; and (2) correct the abstract of judgment to show 486 actual days plus 242 days of conduct credit. The judgment is affirmed in all other respects.

CANTIL-SAKAUYE, J.

We Concur: Nicholson, Acting P.J.

Butz, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

7

Court Minutes

October 18, 2007, continued

- C053597 THE PEOPLE v. HAMILTON (Not for Publication)**
The judgment is affirmed.
DAVIS, Acting P.J.
We Concur: Raye, J.
Morrison, J.
- C055173 THE PEOPLE v. BISHOP (Not for Publication)**
The judgment is affirmed.
DAVIS, J.
We Concur: Blease, Acting P.J.
Nicholson, J.
- C055235 THE PEOPLE v. WILLIAMS (Not for Publication)**
The judgment is affirmed.
DAVIS, J.
We Concur: Blease, Acting P.J.
Nicholson, J.
- C049902 ABUI et al. v. WATSON et al. (Not for Publication)**
The order denying the anti-SLAPP motion is reversed and remanded with directions to enter a new order granting the anti-SLAPP motion and determining the amount of costs and attorney's fees, including costs and attorney's fees for the anti-SLAPP motion in the trial court and for this appeal.
NICHOLSON, J.
We Concur: Davis, Acting P.J.
Butz, J.
- C053700 ROMERO v. PACIFIC (Certified for Publication)**
GAS & ELECTRIC COMPANY et al.
The judgment of dismissal following the order sustaining the demurrer is reversed. The cause is remanded.... Plaintiff shall recover his costs on appeal
BLEASE, Acting P.J.
We Concur: Sims, J.
Davis, J.
- C054611 THE PEOPLE v. MURRAY (Not for Publication)**
THE COURT:
It is ordered that the opinion filed herein on September 18, 2007, be modified.... There is no change in the judgment. Defendant's petition for rehearing is denied.
BY THE COURT:
DAVIS, Acting P.J.
RAYE, J.
CANTIL-SAKAUYE, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

8

Court Minutes

October 18, 2007, continued

**C052453 RINCON BAND OF LUISENO MISSION INDIANS OF THE RINCON
RESERVATION v. STATE OF CALIFORNIA et al.**
BY THE COURT:
Appellant's petition for rehearing is denied.
BLEASE, Acting P.J.

October 19, 2007

C052165 THE PEOPLE v. LYONS (Not for Publication)
Defendant's conviction is affirmed, but his sentence is vacated and the
matter is remanded to the trial court for resentencing in accordance with the
procedure set forth in Sandoval, supra, 41 Cal.4th at pages 846-847.
BUTZ, J.
We Concur: Blease, Acting P.J.
Davis, J.

C052894 THE PEOPLE v. HASSON (Not for Publication)
The judgment is affirmed.
DAVIS, J.
We Concur: Blease, Acting P.J.
Morrison, J.

C055499 THE PEOPLE v. GATES (Not for Publication)
The judgment is affirmed.
NICHOLSON, J.
We Concur: Blease, Acting P.J.
Davis, J.

**C051556 Z-SPANISH RADIO NETWORK, (Not for Publication)
INC. et al. v. DIAMOND RADIO, INC.;
THE BEVERLY GROUP, INC. etc., PAULA NELSON**
The judgment (order) is affirmed. Respondent (The Beverly Group, Inc.)
shall recover its costs on appeal.
SIMS, J.
We Concur: Blease, Acting P.J.
Davis, J.

**C052368 ZABALDO v. USAA CASUALTY (Not for Publication)
INSURANCE COMPANY**
The judgment is affirmed.
BLEASE, Acting P.J.
We Concur: Raye, J.
Cantil-Sakauye, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

9

Court Minutes

October 19, 2007, continued

**C055531 In re C.B.; SAN JOAQUIN COUNTY (Not for Publication)
HUMAN SERVICES AGENCY
v. JOHNNY D.**

The juvenile court's orders are affirmed.

DAVIS, Acting P.J.

We Concur: Raye, J.
 Butz, J.

**C054546 BRADWELL v. (Certified for Publication)
THE SUPERIOR COURT
OF PLACER COUNTY; THE PEOPLE**

Let a peremptory writ of prohibition issue directing the superior court to dismiss the information that charges petitioner with petty theft with a prior under Penal Code section 666, where the prior conviction is for welfare fraud under Welfare and Institutions Code section 11483. The stay is hereby dissolved.

DAVIS, Acting P.J.

We Concur: Morrison, J.
 Hull, J.